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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

March 15, 1982

Honorable Pete V. Domenici
Chairman, Senate Committee on
Budget
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Pursuant to Section 301(c) of the Congressional Budget Act, enclosed is the March report outlining the levels of spending for programs under the jurisdiction of the Senate Committee on the Judiciary. We hope it will be helpful to you in your formulation of the First Concurrent Budget Resolution.

Sincerely,

Joseph R. Biden, Jr.
Ranking Minority Member

Strom Thurmond
Chairman

ST:jkr

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Table A

COMMITTEE ON THE JUDICIARY

Report on Spending Requirements
($ Millions)

Programs	FY '83		FY '84		FY '85		FY '86		FY '87	
	BA	O	BA	O	BA	O	BA	O	BA	O
Major Program 1 (General Administration --Dept. of Justice)	40	40	40	40	40	40	40	40	40	40
Major Program 2 (Legal Activities)	577	577	577	577	577	577	577	577	577	577
Major Program 3 (Federal Bureau of Investigation)	799	799	799	799	799	799	799	799	799	799
Major Program 4 (Immigration and Naturalization Service)	525	525	525	525	525	525	525	525	525	525
Major Program 5 (Drug Enforcement Administration)	247	247	247	247	247	247	247	247	247	247
Major Program 6 (Federal Prison System)	394	394	394	394	394	394	394	394	394	394
Major Program 7 (Office of Justice Assistance, Research, and Statistics)	56	56	56	56	56	56	56	56	56	56
Major Program 8 (Crime Assistance)	200	200	200	200	200	200	200	200	200	200
Major Program 9 (Refugee and Entrant Assistance)	58.7	58.7	58.7	58.7	58.7	58.7	58.7	58.7	58.7	58.7

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Continuation of Table A

Program	FY '83		FY '84		FY '85		FY '86		FY '87	
	BA	0	BA	0	BA	0	BA	0	BA	0
Major Program 10 (Patent and Trademark Office)	68	68	68	68	68	68	68	68	68	68

ATTACHMENT TO TABLE A

COMMITTEE ON THE JUDICIARY
NARRATIVE STATEMENT ON SPENDING REQUIREMENTS

Overview

The Committee on the Judiciary will continue its responsibility to propose and study measures concerning the courts, law enforcement, and judicial administration generally. In addition, the Committee intends to respond to a variety of national needs in the areas of immigration, patents and copyrights, and certain social issues which have arisen out of recent activism of the Federal Courts.

Primarily, however, the Committee will focus, for budgetary purposes, on the agencies which are responsible for the law enforcement and judicial activities of the Federal Government, i.e., U.S. Department of Justice and the Federal Courts. Out of the entire 750 function of the Federal Budget, these two components comprise more than 80 per cent of administration of justice expenditures. Accordingly, it is in these two areas where the Committee will focus its attention, recognizing, of course, annual authorizations for the Department of Justice, priorities and policies within the 750 function are subject to change over the course of the next five fiscal years.

Major Program 1 (General Administration - Department of Justice)

For the general administration of the Department of Justice, the Administration has requested an increase of 8 positions, but no increase in funds. This program is responsible for the executive leadership and policy coordination of the Department. The Committee sees no major change in the budgetary needs of this program during the next few years.

Major Program 2 (Legal Activities - Department of Justice)

This program includes the establishment of litigation policy and the conduct of litigation for the Department. A request has been made for an increase in 11 positions and $13.6 million over the anticipated 1982 appropriation. The Committee expects no major changes in the budgetary needs of this program during the next few years.

Major Program 3 (Federal Bureau of Investigation)

The FBI is responsible for the investigation of crimes over which it has jurisdiction and to provide information relating to applicants, civil matters, and national security to the Executive Branch. The Administration has requested $799.3 million and 19,048 full-time permanent positions, which is a reduction of 408 positions from the 1982 anticipated appropriation.

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The Committee may seek some additional funds for the Bureau, especially in the area of terrorism and foreign counterintelligence. The need for budgetary increases in these two important areas is growing because of the activity of certain terrorist groups worldwide. The Senate Intelligence Committee concurs in this view of the FBI's current capabilities in the terrorism and foreign counterintelligence field.

In addition, some increases may be sought above the President's budget request for the Bureau to handle Freedom of Information Act requests and to implement the Administration's proposal to place the Bureau into the drug enforcement area.

Major Program 4 (Immigration and Naturalization Service)

The Administration has requested $524 million and 10,661 positions, which is an increase of $96 million and 57 permanent positions from the 1982 request. Included in the request is $58.7 million for the reception, processing, and care of Cuban/Haitian entrants and $37.3 million for uncontrollable cost increases.

The Committee recognizes the need for the increases requested by INS and will consider possible further increases to meet the demands of the immigration and refugee problems facing the United States. A major reform of the Federal laws on immigration and refugees will probably include increases for interior and border enforcement, as well as adjudicating pending immigration cases.

This is one program that cannot be readily placed in the President's Federalism initiative since it is Federal policy which dictates the flow of both immigrants and refugees to America. Therefore, a higher budget level is needed to respond to increasing numbers of political asylees and refugees in particular. The potential for an increased flow of refugees from Central and Latin America is real and may need to be addressed by the Committee in the form of an increase in parole authority under Public Law 96-442.

Major Program 5 (Drug Enforcement Administration)

The Drug Enforcement Administration is requesting $246.9 million and 3,953 positions, an increase of $16 million and no new positions over last year. DEA is the Federal agency designated to provide national leadership in the suppression of narcotics and dangerous drugs at the National and international level, and to enforce the Controlled Substances Act.

In an effort to maximize Federal resources without substantial increases in funds and manpower, DEA, as with other Federal law enforcement agencies, will continue to interdict, control illicit drugs and their sources, and to coordinate with the FBI in targeting the financial transactions which accompany major drug distribution

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operations. The Committee expects that the use of a moiety provision, which is contained in pending legislation, and more aggressive use of the forfeiture statutes should generate additional funds for use by DEA.

Major Program 6 (Federal Prison System)

The Federal Prison System is composed of several components for purposes of the budget--salaries and expenses, National Institute of Corrections, buildings and facilities and Federal Prison Industries. Overall, this program has requested in 1983 9,022 positions and $394.2 million in funding. This is an increase of 45 positions and $23.5 million from the 1982 appropriation anticipated.

The Committee does not expect to authorize any major increases in the ongoing programs in the coming years. The Committee may consider, however, separate legislation in the corrections area (introduced by Senator Dole, S. 186), which would authorize $6.5 billion over the next six fiscal years for construction of prison facilities throughout the States. This measure, which is currently pending in the Committee, would not affect the current fiscal year, but would have obvious budgetary impact over the next several years if enacted.

A companion measure, S. 1597, would establish a Corporation for Prison Industries. This proposal is estimated by the staff of the Subcommittee on Courts to have budget impact of $5 million a year.

Major Program 7 (Office of Justice Assistance, Research and Statistics - OJARS)

This program has been scheduled for reduction and, except for the research and statistics components, to be phased out at the end of the next fiscal year. The Administration has requested $18.5 million for the Law Enforcement Assistance program, and $37 million for the Research and Statistics Programs.

One major program of OJARS in the past has been the Juvenile Justice and Delinquency Prevention Act Program which was authorized by the Committee last year for the next three fiscal years. It is estimated by the staff of the Subcommittee on Juvenile Justice that this program will require budgetary authority as follows:

FY '83 - $77.5 million
FY '84 - $90 million
FY '85 -$100 million

The Administration has requested no funding authority for this program for fiscal year 1983, but the Committee has indicated in

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its action last year, as did the Senate, that the program should be maintained.

In addition, the Runaway and Homeless Youth Act is a program under the jurisdiction of the Committee, and it is expected to request funding for the next three fiscal years as follows:

FY '83 - $20 million
FY '84 - $25 million
FY '85 - $25 million

Major Program 8 (Crime Assistance)

The Committee has under consideration several measures which would provide criminal justice assistance funds to State and local jurisdictions. Among these measures are S. 537, a bill to provide assistance to State court systems, H.R. 4481, a House-passed bill providing $190 million in funding to State and local criminal justice agencies, S. 1455 and S. 1995, which are bills to remedy procedural and structural defects in the criminal justice system, and, finally, S. 1997, a bill to provide assistance to State and local governments in combating crime.

The Committee has a number of other crime-related measures before it, but none that would appear to have significant budgetary impact over the next several years.

Major Program 9 (Refugee and Entrant Assistance)

Under Public Law 96-442, the Committee was given the joint responsibility for the refugee and asylee program because of the jurisdiction over the Immigration and Naturalization Service and the consultation authority with the Executive Branch on the exercise of parole authority. Further, pursuant to Executive Order 12341, responsibility for administering Section 501(c) of Public Law 96-422, the Refugee Education Assistance Act of 1980, has been placed in the Department of Justice. Thus, the Committee has been requested to provide authority for an increase of 57 positions and $58.7 million for the reception, screening, and resettlement of newly-arriving entrants. This shift of responsibility and funding seems reasonable to the Committee since the numbers and flow of such entrants is within the jurisdiction of the Committee and is the guiding policy factor in whether new numbers should be approved. The request for $58.7 will ease considerably the burden now being borne by State and local governments, especially in Florida.

Major Program 10 (Patent and Trademark Office)

The Committee has always had jurisdiction over the substantive matter of patents and trademarks. This year, the Administration has requested authorizing legislation for the Office which includes

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a request for user fees to offset the operational needs of the PTO. For fiscal year 1983, the Office is requesting budget authority of $155 million, which, with offsetting receipts would require $68 million in budget authority. The chart below sets forth the projected program levels through FY 1987:

Patent and Trademark Fees

FUNDING	($ in millions)						
	1981	1982	1983	1984	1985	1986	1987
PROGRAM LEVEL:							
Budget Authority	116	121	155	167	176	182	182
Outlays	112	120	152	163	172	178	178
OFFSETTING RECEIPTS:			87	96	105	113	117
Current Law			48	53	57	62	64
Policy Increase			39	43	48	51	53
PERCENT RECOVERED(BA):			56	57	60	62	64
Current Law			31	32	32	34	35
Policy Increase			25	25	28	28	29

Legislation has been introduced by Chairman Thurmond to carry out the request of the Administration. The proposal is not without controversy, however; and the Committee may have to consider an alternative to the program changes for the Patent and Trademark Office.

Summary

In conclusion, the Committee does not expect to act on any major legislation the balance of this year that is not discussed in this report. If it has occasion to do so, the Committee is mindful of the May 15 deadline for authorizing legislation and the deferment of an effective date beyond October 1, 1983.

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